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10/015,566	12/17/2001	Kazuhiro Hayashi	Q67757	6232

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EXAMINER

CHOJNACKI, MELLISSA M

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 02/02/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,566

Applicant(s)

HAYASHI ET AL.

Examiner

Melissa M Chojnacki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DOV POPOVICI
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DETAILED ACTION

Specification

1. The arrangement of the disclosed application does not conform with 37 CFR 1.77(b).

Section headings are underlined throughout the disclosed specification.

Section headings should not be underlined and/or **boldfaced**. Appropriate corrections are required according to the guidelines provided below:

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

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- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2, 9 and 11-12, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 22; claim 2, line 21; claim 9, line 25 (page 59); claim 11, line 17 (page 62); and claim 12, line 18 (page 63) recite the limitation "or more", which renders the claim vague and indefinite, because it is unclear as to what "or more" signifies in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (U.S. Patent No. 6,469,239), in view of Doi et al. (U.S. Patent No. 5,887,130).

As to claim 1, Fukuda teaches a server (See column 3, lines 46-47) comprising:
a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57); and

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5),
wherein when the outputted second information piece is returned from the terminal, on a basis of the returned second information pieces, the prohibition section prohibits the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

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Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11) and; an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information

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pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al., column 15, lines 7-9).

As to claim 3, Fukuda as modified, teaches further comprising a initialization section for initializing the second information piece corresponding to the first information piece prohibited from being output to the terminal (See Fukuda, column 22, lines 66-67; column 23, lines 1-5).

As to claim 5, Fukuda as modified, teaches wherein the first information pieces are a plurality of pieces of music (See Fukuda, column 23, lines 66-67).

As to claim 11, Fukuda teaches an information record medium recording a sever program for causing a server computer contained in a server to function as (See column 1, lines 57-60):

a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57); and

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5), wherein when the outputted second information piece is returned from the terminal, on a basis of the returned second information pieces, the prohibition section prohibits the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11) and;

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and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al, column 15, lines 7-9).

7. Claims 2, 4, 6-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (U.S. Patent No. 6,469,239), in view of Doi et al. (U.S. Patent No. 5,887,130) as applied to claims 1, 3, 5 and 11 above, and further in view of Kawashima et al. (U.S. Patent No. 5,542,072).

8. As to claim 2, Fukuda teaches a server (See column 3, lines 46-47) comprising:
a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57);

a prohibition section for prohibiting the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an output section for outputting the first information pieces to be outputted to a terminal; and an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the

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first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and an output section for outputting the first information pieces to be outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al, column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the number of output times of the second information piece corresponding to the first

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information piece outputted to the terminal each time when the first information piece is outputted to the terminal (See column 5, lines 57-65; column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal would assign the highest priority level, a cumulative value of the number of requests for the information source requested by the user therefore showing how many times each information piece has been accessed by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 4, Fukuda as modified, teaches further comprising a initialization section for initializing the second information piece corresponding to the first information piece prohibited from being output to the terminal (See Fukuda, column 22, lines 66-67; column 23, lines 1-5; also see Kawashima et al., column 16, lines 12-17, where "fetches" is read on initializing". And Column 18, lines 50-65).

As to claim 6, Fukuda as modified, teaches wherein the first information pieces are a plurality of pieces of music (See Fukuda, column 23, lines 66-67).

As to claim 7, Fukuda teaches a terminal (See column 23, line 34) comprising:
a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

an acquisition section for acquiring a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces together with the first information pieces corresponding to the second information pieces (See column 24, lines 51-57); and

a utilization section for utilizing the acquired first information pieces (See Column 2, lines 13-16, where "read out" is read upon "utilizing").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11).

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al, column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the second information pieces corresponding to the acquired first information pieces (See column 5, lines 57-65; column 16, lines 12-20); and

a return section for returning the incremented second information pieces to the server (See column 16, lines 12-20; also see Doi et al, column 14, lines 53-67; column 15, lines 1-11).

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server would assign the highest priority level, a cumulative value of the number of requests for the information source requested by the user therefore showing how many times each information piece has been accessed by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 8, Fukuda as modified, teaches wherein them plurality of first information pieces are a plurality of pieces of music (See Fukuda, column 23, lines 66-67).

As to claim 9, Fukuda teaches an information processing system (See column 25, line 9) comprising:
a server (See column 3, lines 46-47); and

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a terminal connected to the server via a network (See column 4, lines 51-60),

wherein

the server comprises:

a first storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57);

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5),
the terminal (See column 23, line 34) comprises:

a second storage section for storing the plurality of first information pieces (See column 24, lines 51-57);

an acquisition section for acquiring the plurality of second information pieces together with the first information pieces corresponding to the second information pieces (See column 24, lines 51-57);

a utilization section for utilizing the acquired first information pieces (See Column 2, lines 13-16, where "read out" is read upon "utilizing"); and

wherein when the outputted second information piece is returned from the terminal, on a basis of the returned second information pieces, the prohibition section of the server prohibits the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more

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from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach, the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted; and an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information

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pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al, column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the second information pieces corresponding to the acquired first information pieces (See column 5, lines 57-65; column 16, lines 12-20); and

a return section for returning the incremented second information pieces to the server (See column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include

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an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server would assign the highest priority level, a cumulative value of the number of requests for the information source requested by the user therefore showing how many times each information piece has been accessed by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 10, Fukuda teaches an information processing system (See column 25, line 9) comprising:

a server (See column 3, lines 46-47); and

a terminal connected to the server via a network (See column 4, lines 51-60),

wherein the server comprises:

a first storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

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a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57);

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5), for prohibiting the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold") and

the terminal (See column 23, line 34) comprises:

a second storage section for storing the plurality of first information pieces (See column 24, lines 51-57);

an acquisition section for acquiring the plurality of second information pieces together with the first information pieces corresponding to the second information pieces (See column 24, lines 51-57);

a utilization section for utilizing the acquired first information pieces (See Column 2, lines 13-16, where "read out" is read upon "utilizing").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an output section for outputting the first information pieces to be outputted to a terminal; an increment section for incrementing the number of output times of the second information

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piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal; an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and

an output section for outputting the first information pieces to be outputted to a terminal (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an output section for outputting the first information pieces to be outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an output section for outputting the first information pieces to be outputted to a terminal would enable the copyright holder (or

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the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal; and an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal (See column 5, lines 57-65; column 16, lines 12-20);

an increment section for incrementing the second information pieces corresponding to the acquired first information pieces (See column 16, lines 12-20); and a return section for returning the incremented second information pieces to the server (See column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal; an increment

section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal; an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; a return section for returning the incremented second information pieces to the server would assign the highest priority level, a cumulative value of the number of requests for the information source requested by the user therefore showing how many times each information piece has been accessed by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 12, Fukuda teaches an information record medium recording a sever program for causing a server computer contained in a server to function as (See column 1, lines 57-60):

a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

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a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57);

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5), for prohibiting the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an output section for outputting the first information pieces to be outputted to a terminal; and an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches, the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and

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an output section for outputting the first information pieces to be outputted to a terminal (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al, column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the number of output times of the second information piece corresponding to the first

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information piece outputted to the terminal each time when the first information piece is outputted to the terminal (See column 5, lines 57-65; column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal would assign the highest priority level, a cumulative value of the number of requests for the information source requested by the user therefore showing how many times each information piece has been accessed by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 13, Fukuda teaches an information record medium recording a terminal program for causing a terminal computer contained in a terminal to function as (See column 1, lines 57-60):

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a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

an acquisition section for acquiring a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces together with the first information pieces corresponding to the second information pieces (See column 24, lines 51-57); and

a utilization section for utilizing the acquired first information pieces (See Column 2, lines 13-16, where "read out" is read upon "utilizing").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Doi et al teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second

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information pieces indicating number of output times the first information pieces has been outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al, column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the second information pieces corresponding to the acquired first information pieces (See column 5, lines 57-65; column 16, lines 12-20); and

a return section for returning the incremented second information pieces to the server (See column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include an increment section for incrementing the second information pieces corresponding to

the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server would assign the highest priority level, a cumulative value of the number of requests for the information source requested by the user therefore showing how many times each information piece has been accessed by the user (See Kawashima et al., column 5, lines 43-65).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is 730-305-8769. The examiner can normally be reached on 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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